

COMMISSIONERS

Brian P. Kalk Randy Christmann Julie Fedorchak

Executive Secretary Darrell Nitschke 600 East Boulevard, Dept. 408 Bismarck, North Dakota 58505-0480 Web: www.psc.nd.gov

E-mail: ndpsc@nd.gov Phone: 701-328-2400 ND Toll Free: 1-877-245-6685

Fax: 701-328-2410 TDD: 800-366-6888 or 711

January 17, 2014

Jeffrey W. Fleischman, Director OSM Casper Field Office P.O. Box 11018 150 East "B" Street Casper, WY 82602-5004

RE: Request for Authorization to Proceed for 2014 Hazen West Phase 3 and 2014 Exploratory Drilling Projects and Request for Concurrence for 2014 Beulah/Zap, 2014 Scranton/Bowman and 2014 Sinkhole Filling Projects in North Dakota.

Dear Mr. Fleischman:

Please find enclosed documentation to support our Request for Authorization to Proceed with the 2014 Hazen West Phase 3 and 2014 Exploratory Drilling Projects. An environmental assessment and a Categorical Exclusion form for these proposed projects and eligibility determination letter are attached.

We are also planning an additional phase (Phase 15) for the Beulah/Zap Project, an additional phase (Phase 2) for the Scranton/Bowman Project and another sinkhole filling project. The scope of work and project locations for the Beulah/Zap and Scranton/Bowman projects will be generally unchanged from 2013. The scope of work and locations for the 2014 sinkhole filling will depend on where dangerous abandoned underground mine subsidence occurs; but we anticipate subsidence will occur mainly in locations where previous reclamation has been approved.

We believe no formal requests for authorization to proceed are needed to continue work on the 2014 Beulah/Zap Phase 15, 2014 Scranton Bowman Phase 2, and 2014 Sinkhole Filling Projects, but request your concurrence that we are already authorized to proceed on them. We will continue to consult with your office on any emergency projects or other projects that require rapid response.

Mr. Jeffrey Fleischman January 17, 2014 Page 2 of 3

We have requested concurrence for our proposed 2014 projects from the State Historical Society of North Dakota, U.S. Fish and Wildlife Service, North Dakota Parks and Recreation Department, and the North Dakota Department of Health. Copies of our letters and their responses are attached. Since no off-site pit dewatering is planned and all runoff from areas to be affected at the Hazen West project site will flow into abandoned mine pits, consultation with the Army Corps of Engineers is not needed.

A public meeting is scheduled for January 23, 2014, in Beulah to discuss the Hazen West, Beulah/Zap and sinkhole projects and any other AML issues around Beulah. All affected property owners or controllers for our proposed 2014 AML projects have been contacted and consents for right-of-entry will be executed before any work begins.

AMLIS Problem Area Descriptions for the sites are also attached. If additional information is needed or you have any questions, feel free to call Bill Dodd at 701-328-4101 or me at 701-328-2251.

Sincerely,

James R. Deutsch

Director

Reclamation and AML Divisions

Mutal

Enclosures

Minedata/AML/2013/Scranton-Bowman/Richter/HavelockC/Beulah-Zap/OSM_Auth_to_Proceed_rgst_1-17-14

Mr. Jeffrey Fleischman January 17, 2014 Page 3 of 3

List of Attachments

- 1. Brief Narratives About the Proposed 2014 Projects
- 2. Project Location Maps for 2014 Hazen West, Beulah/Zap, Scranton/Bowman and Exploratory Drilling AML Projects
- 3. Standardized Environmental Assessment for 2014 Hazen West Phase 3 Project and Categorical Exclusion form for Exploratory Drilling Project.
- 4. Requests for Concurrence for 2014 proposed AML Projects and responses received to date
 - ND State Historical Society (with response)
 - ND Department of Health (with response)
 - ND Parks & Recreation Department (with response)
 - U.S. Fish and Wildlife Service (with response)
- 5. Eligibility Determination for 2014 Hazen West
- 6. AMLIS PAD Summaries for Proposed 2014 Project Sites.

The following major projects are proposed for reclamation during the 2014 construction season:

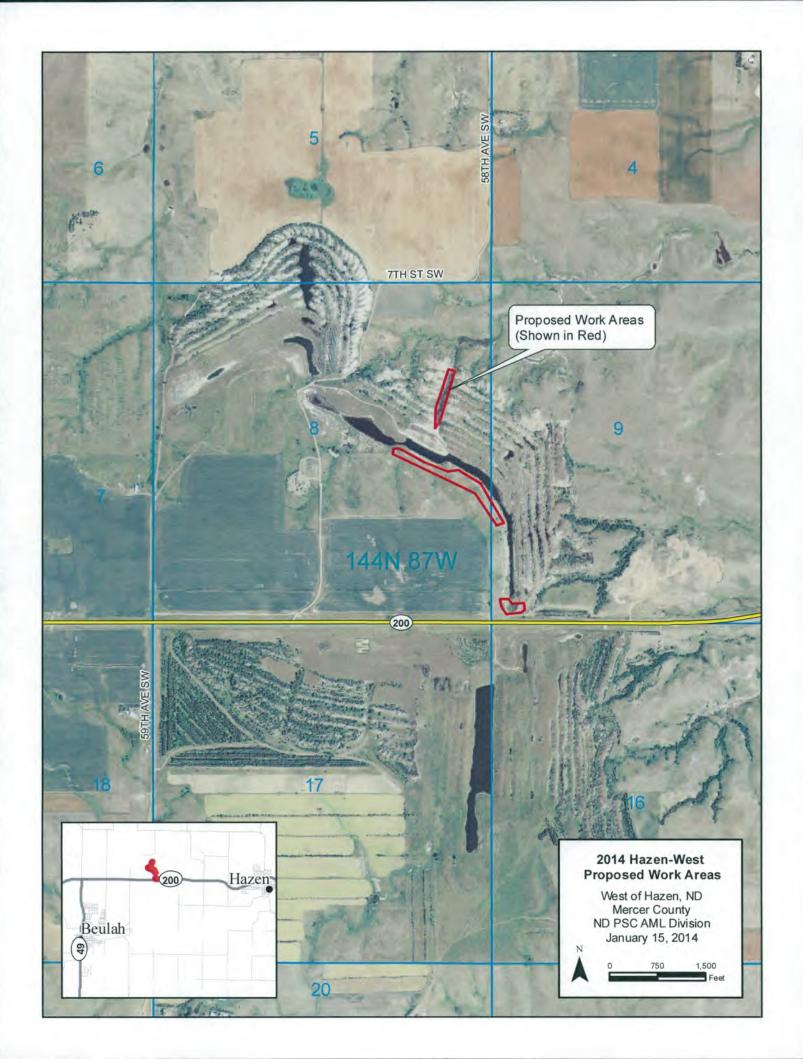
Hazen West Phase 3: This 35 acre project will eliminate about 3,500 feet of hazardous highwalls at an abandoned surface mine west of Hazen in Mercer County on the north side of State Highway 200. This AML site is characterized by steep highwalls that are up to 80 feet high. Some of the erosion features along the highwalls extend into the surrounding land. The proposed reclamation work involves backfilling the highwalls with earthen material from adjacent spoil piles. About 350,000 cubic yards of spoil material will need to be moved in the reclamation process. The estimated project cost is \$1,500,000.

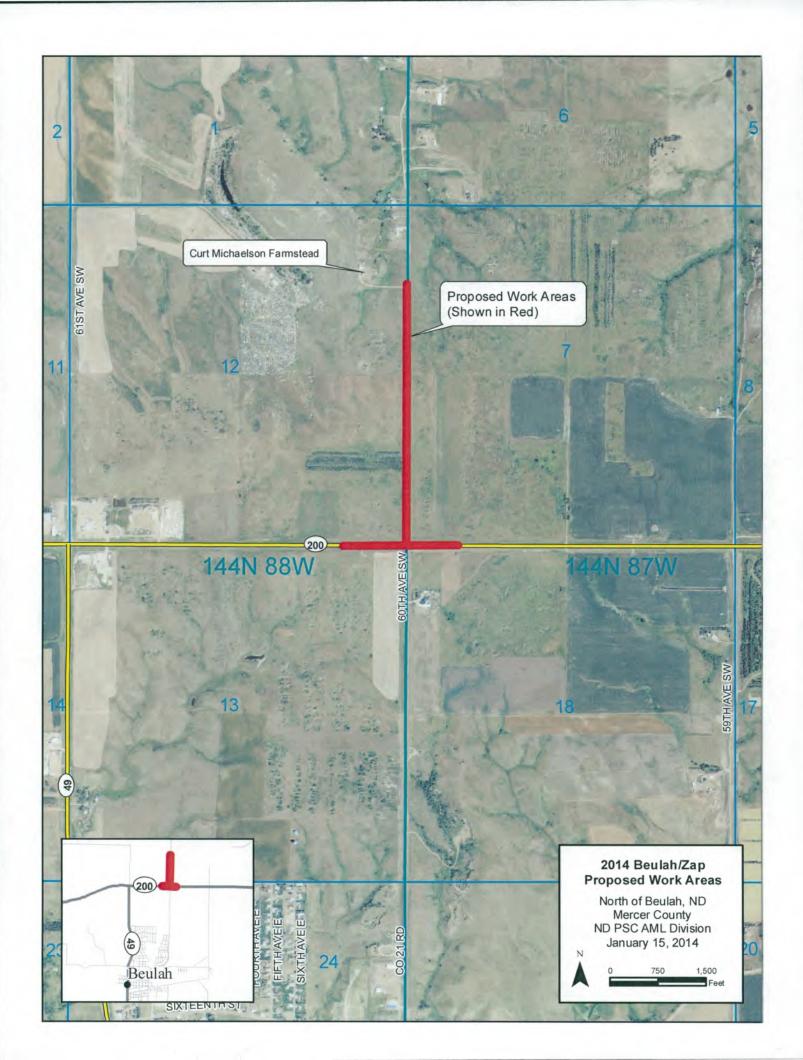
Beulah/Zap Phase 15: This project will involve drilling and pumping pressurized grout into collapsed underground mine workings under public roads north of Beulah in Mercer County. This project consists of rotary drilling, casing drill holes where voids are found, pumping of grout, and grout testing. It is estimated that 5,000 cubic yards of grout will be pumped into mine voids in 2014 and about 10,000 feet of drilling will be carried out in this area. The estimated project cost is \$925,000.

Scranton/Bowman Phase 2: This project also involves drilling and pumping pressurized grout into collapsed underground mine workings. The sites are under public roads near Scranton and Bowman and at an occupied farmstead near Reeder, all in southwestern North Dakota. This project consists of rotary drilling, casing drill holes where voids are found, pumping of grout, and grout testing. It is estimated that 3,000 cubic yards of grout will be pumped into mine voids and about 9,500 feet of drilling will be carried out in these areas. The estimated project cost is \$825,000.

Exploratory Drilling: Some of the available construction funds, estimated at \$230,000, will be used for an exploratory drilling project to investigate suspected abandoned underground coal mines. This project may be conducted at several locations, principally near Wilton, in western North Dakota.

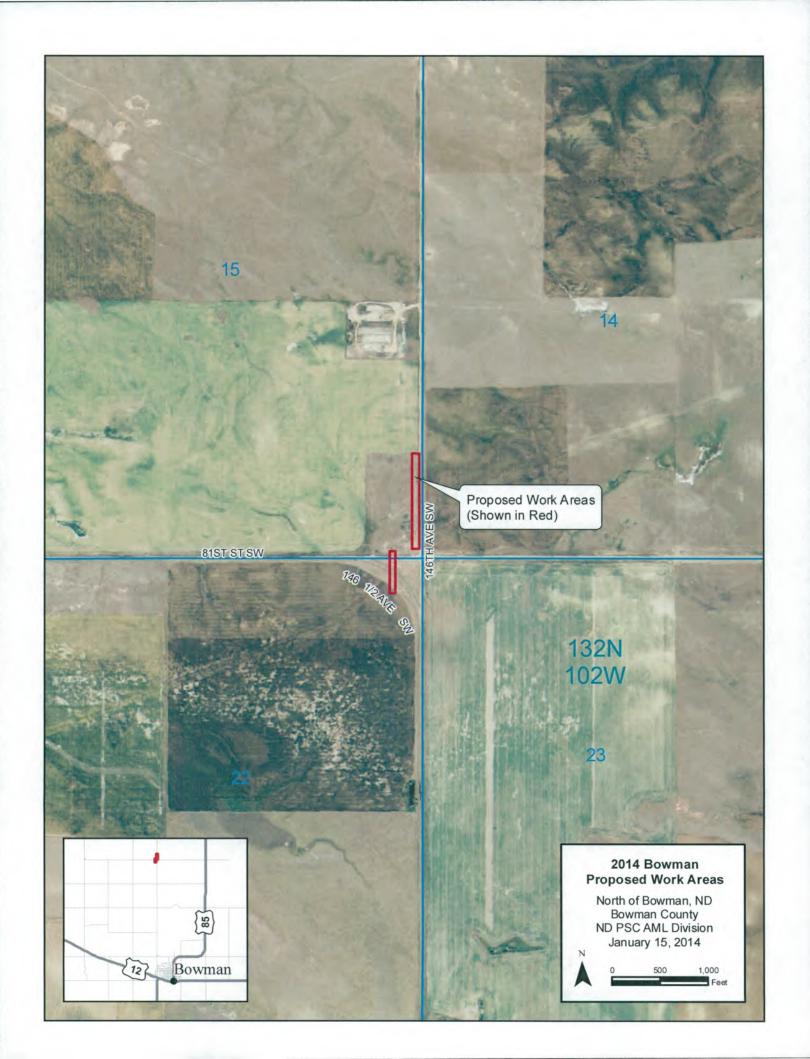
Sinkhole Filling and Construction Maintenance: Some of the available construction funds, about \$100,000, will be used for a maintenance project to backfill hazardous sinkholes that have been caused by underground mines. These funds may also be used to repair erosion and conduct other maintenance on reclaimed surface mine sites. If necessary, some of these funds will be used for emergency projects.



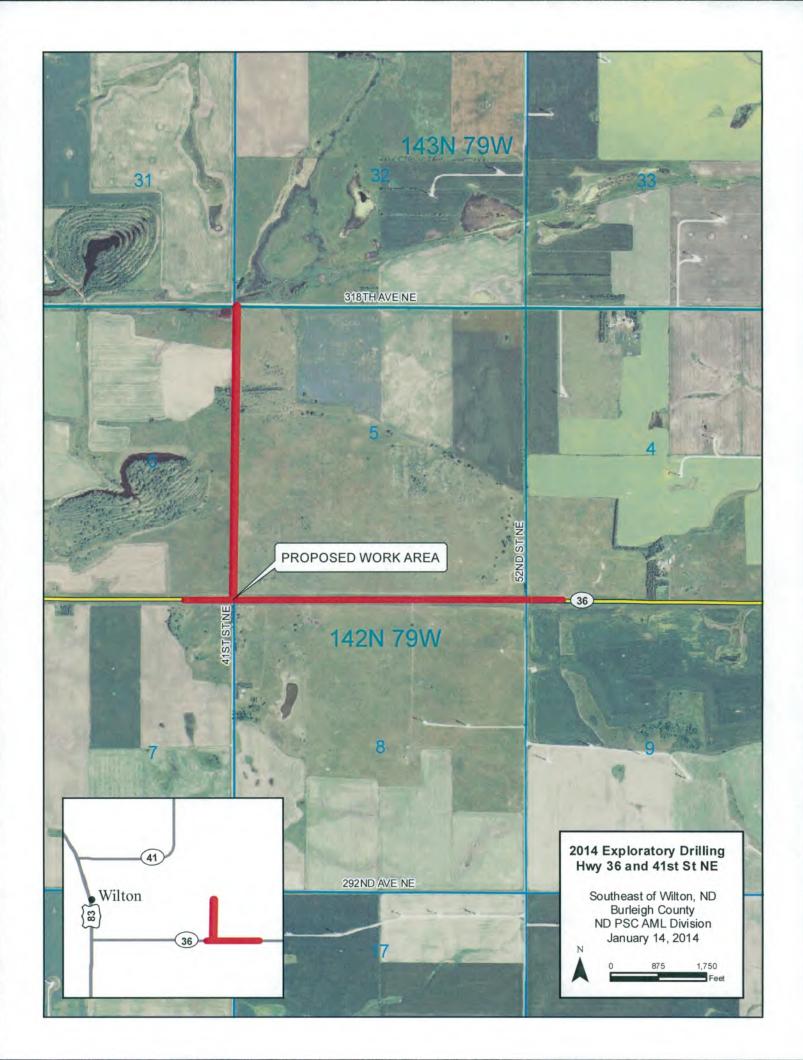












ABANDONED MINE LANDS CATEGORICAL EXCLUSION DETERMINATION

State: ND PA# Not Applicable
Project Name: 2014 Exploratory Drilling

Project Description: Abandoned Underground Mine Exploratory Drilling

Yes responses require submission of an environmental assessment.

I. GENERAL EXCEPTIONS

Does the project type specifically require an EA in 516 DM 6, Appendix 8, as specified in Item I of the attached instructions?

No [x] Yes []

II. DEPARTMENT OF INTERIOR EXCEPTIONS

Will the project have any of the following:		No [x] Yes []
A significant adverse effect on public health or safety? An adverse effect on any of the following unique geographic characteristics?		No [x] Yes []
If yes, check the ones that apply.		
[] Parks (State, Local, or National)	[] Wild or Scenic Rivers	
[] Recreation or Refuge Lands	[] Wetlands	
[] Wilderness Areas	[] Floodplains	
[] Ecologically Significant or Critical Areas	[] Sole or Principal Drinking Water	
[] Prime Farmlands	[] Aquifers	
Highly controversial environmental effects?		No [x] Yes []
Highly uncertain and potentially significant environmental effects or unique or unknown environmental risks?		No [x] Yes []
A precedent for future action or a decision in principle about future actions with potentially significant environmental effects?		No [x] Yes []
Directly related to other actions with individually insignificant but cumulatively significant environmental effects?		No [x] Yes []
Adverse effects on properties listed or eligible for listing on the National Register of Historic Places?		No [x] Yes []
Adverse effects on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species?		No [x] Yes []

	Management), Executive Order 11988 (Floodplain Management), Executive Order 11990 (Wetlands Protection) or The Fish and Wildlife Coordination Act?			
	Threaten to violate a Federal, State, Tribal or local law or requirement imposed for the protection of the environment?		No [x] Yes [
III.	RESOURCE IMPACT EXCEPTIONS			
	Are there any unresolved issues, or adverse following resources? If yes, check the one	e effects requiring specialized mitigations that apply.	a, for any of the	
	 () Topography () Land Use (includes prime farmland) () Soils () Vegetation (includes wetlands) () Hydrology () Fish and Wildlife 	 () Historic and Cultural () Recreation () Air Quality () Noise () Other (includes socioeconomics) 	No [x] Yes []	
IV.	ATTACH CONSULTATION LETTERS	S AND A LOCATION MAP		
v.	RESPONSIBLE OFFICIAL CERTIFIC	ATION		
	Signature: William E. Dodd, Assistan	Date: January 17, 2014		
VI.	OSM DETERMINATION			
	This project conforms with the exclusion from further NEPA compliance.	criteria in 516 DM 6, Appendix 8, and	is excluded	
	[] This project does not conform with the exequires an environmental assessment.	xclusion criteria in 516 DM 6, Appendix	c 8, and	
	Signature: Name and Title:	Date: 1-22-14		

STANDARDIZED ENVIRONMENTAL ASSESSMENT

Hazen-West Phase 3
Abandoned Mine Lands Project
ND089
Mercer County, North Dakota

Prepared by

North Dakota Public Service Commission

In Cooperation With

United States Department of Interior
Office of Surface Mining Reclamation and Enforcement
Casper Field Office

(January 2014)

Section I Introduction

A. Need for the Action

The principal objective of the Public Service Commission is to reclaim potentially hazardous portions of a surface coal mine located within Sections 8 and 9, T144N, R87W. This site is approximately four miles west of Hazen, North Dakota, population 2,411 and three miles northeast of Beulah, North Dakota, population 3,121. The surface mine contains dangerous highwalls near roads. About 35 acres of surface mine will be reclaimed with the Hazen-West Phase 3 Project, but the entire mine site is much larger.

To our knowledge, there have been no instances of death or personal injury attributable to the abandoned mine; however, the potential for death or injury is inherent due to the location of the abandoned mine.

B. Project Background

The Hazen-West Problem Area is composed of an extensive surface coal mine located in Mercer County, T144N, R87W, Sections 5, 8, 9, 16 and 17. This AML site is characterized by dangerous highwalls near roads. The land is currently owned by the North Dakota Game and Fish Department and serves as a Wildlife Management Area.

The Hazen-West AML site is within four miles of the corporate limits of Hazen, North Dakota, and encompasses approximately 185 acres. Mining was conducted from the 1950's to the 1960's. The area is currently used for wildlife habitat. Anticipated land use of the area will remain as a wildlife management area.

Hazen-West Phase 3 Environmental Assessment Page 3

Section II Description of the Proposed Project and Alternatives

The proposed reclamation project for this site will be beneficial to the general public and meets the requirements of federal and state law for reclamation. Besides the elimination of a severe hazard to the general public, as well as the landowner, parameters with other beneficial effects are land use, vegetation, wildlife and topography.

The plan of action for proposed reclamation activity will be to backslope hazardous highwalls. Erosional gullies and washouts will be repaired and reestablished to nonerosive slopes.

To the degree possible, topsoil will be salvaged from the disturbed areas and respread once the earthwork has been completed. Approximately 3,000 feet of hazardous highwall would be eliminated through proposed reclamation operations in 2014. The reclaimed areas will be fertilized and seeded. Revegetation would be done with a seed mixture compatible to the quality of available plant growth material.

Options or alternatives include backfilling, fencing of hazard areas or no action. Backfilling is the preferred option. The no action does not solve the AML problems at the site and fencing is not considered as a viable option. The proposed reclamation activities should have no long term adverse effects on the environment. The temporary disruption of wildlife habitat will be a short term effect.

The approved North Dakota Abandoned Mine Lands State Reclamation Plan identifies backfilling as an effective reclamation technique.

Section III Existing Environmental Documents

OSM-EIS-11. Approval of State and Indian Reclamation Program Grants under Title IV of the Surface Mining Control and Reclamation Act of 1977 was published by the Office of Surface Mining in November 1983. This EIS describes and analyzes the environmental impacts that were expected to result from approval of State or Tribal Grants. It focuses on the adverse and/or beneficial impacts and standard reclamation activities associated with eight major categories of abandoned coal mine problems in the United States.

The environmental concerns of the proposed project are addressed in an Environmental Impact Statement (EIS) prepared by the Office of Surface Mining Reclamation and Enforcement entitled "Approval of State and Indian Reclamation Program Grants Under Title IV of the Surface Mining Control and Reclamation Act of 1977": (OSM-EIS-11, November 1983). Please reference the following documents for further information:

Chapter III, Affected Environmental Rocky Mountain/Northern Great Plains Region:

Section 3.5.2.2, Adverse Impacts Related to Highwalls, pp. III-24, Subsections 3.5.2.2.1, 3.5.2.2.12, pp. III-24 to III-26.

Chapter IV, Environmental Consequences Rocky Mountain/Northern Great Plains Region:

Section 4.2.2, Impact Common to Remedial Actions, pp. IV-3 to IV-7; and,

Section 4.3.2 Reclamation of Highwalls, pp. IV-11, Subsection 4.3.2.1, pp. IV-11 to IV-12.

Section IV Site Specific Review

A. Cultural or historic resource values (the archaeological Resources Protection Act of 1979; the Archaeological and Historic Preservation Act of 1974; the National Historic Preservation Act of 1986, as amended; the Antiquities Act of 1906, Executive Order 11593, concerning the protection and enhancement of the cultural environment; the American Indian Religious Freedom Act of 1978; the Historic Sites Act of 1978; and, OMB Circular A-102).

A letter was sent November 14, 2013, to the North Dakota State Historical Society requesting comments concerning the cultural resources of this site. The State Historical Society has reviewed this site and signed off a letter dated November 21, 2013, indicating that it did not constitute a historical or culturally significant site.

B. Water quality values (Clean Water Act, as amended)

There are no streams present on or near the proposed project area. Reclamation efforts at Hazen-West Phase 3 project area will have no adverse effect on surface or ground water quality or quantity.

C. Wetlands values (Clean Water Act, Executive Order 11990, and Army/EPA Memorandum of Agreement (MOA) Concerning the Determination of Mitigaton under the Section 404(b) (1) Guidelines)

No wetlands are located within the Hazen-West Phase 3 project area.

D. Floor values (Executive Order 11988)

The project area is not contained within an identified floodplain.

E. Wildlife (Endangered Species Act and Fish and Wildlife Coordination Act)

The U.S. Fish and Wildlife Service was contacted on November 14, 2013, requesting any comments regarding the proposed reclamation plan for the project site. A response from the Fish and Wildlife Services dated November 26, 2013, indicated that the project as described will have no significant impact on fish and wildlife resources. No endangered or threatened species are known to occupy the project area.

F. Prime and unique farmland values (Farmland Protection Policy Act)

There has been no prime farmland identified on the proposed project site.

G. Recreational resource values (Wild and Scenic Rivers Act, Clean Air Act)

There are no lands in the proposed project area classified as wilderness area or lands being studied for wilderness designation.

There are no lands in the proposed project area identified as areas of critical environmental concern.

There are no lands in the proposed project area included in the wild and scenic river category.

There are no parks or areas of critical ecological or aesthetic concern found in the proposed project area.

H. Air quality (Clean Air Act)

The proposed project area is not in or near a Class I air quality region.

There are no conditions on the existing site of the proposed project that affect air quality of the nearby area.

Socioeconomic factors

There will be no adverse socioeconomic effect from the reclamation of this site.

J. Political factors

Meetings between the North Dakota Public Service Commission and all governing entities are ongoing and will continue throughout project completion. County officials and landowners have expressed interest in reclamation of the proposed areas. A public meeting was held on January 28, 2009, in Beulah, North Dakota, to discuss proposed reclamation work with local residents, city and county officials and the general public. Another meeting to discuss this and other AML projects in the general area will be held January 23, 2014 in Beulah.

K. Existing Vegetative Cover

Highwalls and pits are mostly unvegetated. The adjacent spoil is generally in lower relief dozer and scraper built piles. The spoil material is composed of mostly sands and clays. The spoil piles are fairly vegetated. Dominant plant species include Smooth brome grass (Bromis inermis), Western wheat grass (Agropyron smithii), and Kentucky bluegrass (Poa pratensis). Forb species including Alfalfa (Medicago sativa), American Licorice (Glycyrrhiza lepidota), and Missouri Goldenrod (Solidago missouriensis) are commonly found in mine spoils in this area.

L. Threatened and Endangered Plant Species

No threatened or endangered plant species have been identified within the project area. The North Dakota Parks and Recreation Department was contacted on November 14, 2013, requesting any comments regarding the proposed reclamation plan for the project site.

M. Anticipated date of Reclamation

Reclamation work for Hazen-West Phase 1 Project began in June 1991 and was completed in September 1991.

Reclamation work for Hazen-West Phase 2 Project began in May 2009 and was completed in August 2009.

Reclamation performance period for Hazen-West Phase 3 Project is scheduled to begin in June 2014 and be completed in October 2014.

Hazen-West Phase 3 Environmental Assessment Page 8

N. Estimated Construction Cost

The construction cost for the Hazen-West Phase 1 Project was \$539,501.53. The construction cost for the Hazen-West Phase 2 Project was \$597,038.75. It is estimated that construction cost for the Hazen-West Phase 3 Project will be \$1,500,000.

O. Offsite Borrow and Disposal Areas

There will be no off-site borrow or disposal area concerns relative to this project. If off-site borrow or disposal issues arise, applicable environmental regulations will be addressed through the North Dakota Department of Health.

P. Noise Pollution

Project work will be conducted no closer than 5,000 feet from the nearest residential or commercial population. Noise pollution problems are not anticipated; however, if problems arise, remedial action measures will be addressed through the North Dakota Department of Health.

Section V Consultations

The State Historical Preservation Officer has been contacted with reference to any cultural or historical values present at or near the project site.

The United States Fish and Wildlife Service has been contacted with reference to identification of threatened or endangered animal species on the proposed project site.

The Planning and Natural Resources Division of the North Dakota Parks and Recreation Department has been contacted with reference to identification of threatened, endangered or rare plant species or communities.

A letter was also sent to the North Dakota Department of Health requesting concurrence for this project.

Section VI Preparers

Jim Deutsch

Director - AML Division

North Dakota Public Service Commission



COMMISSIONERS

Brian P. Kalk Randy Christmann Julie Fedorchak

Executive Secretary Darrell Nitschke 600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685

Fax: 701-328-2410 TDD: 800-366-6888 or 711

November 14, 2013

Kathy Duttenhefner ND Parks & Recreation Department 1835 Bismarck Expressway Bismarck, ND 58504

Dear Ms. Duttenhefner:

The Public Service Commission is planning reclamation activities in 2014 at the Hazen-West, Beulah/Zap and Scranton/Bowman Abandoned Mine Lands (AML) Sites. We also expect to conduct exploratory drilling and sinkhole filling projects in western North Dakota. These projects will be conducted by contractors selected through competitive bidding.

The 2014 Hazen-West Phase 3 Project is a continuation of a project series where previous phases were conducted in 2009 and 1991. It is located in the NE1/4 of the SE1/4 of Section 8, and the W1/2 of the SW1/4 of Section 9, T144N, R87W in Mercer County, North Dakota (see map). This abandoned surface coal mine contains a hazardous mine pit with steep highwalls. The plan of action is to backslope the hazardous highwalls. Total surface area to be affected at this project location will be approximately 35 acres. Areas affected by this project will be reseeded with locally adapted species native to western North Dakota. No pit dewatering is planned and all runoff from affected areas will flow into the mine pit.

The 2014 Beulah/Zap Phase 15 and 2014 Scranton/Bowman Phase 2 Projects are a continuation of previous reclamation work at locations that have already received concurrence from your office. Residential areas and roads at these project sites are underlain by abandoned underground mines. The plan of action is to drill holes into the underground mine and, if necessary, pump cementitious grout through drilled holes into abandoned underground mined workings to help stabilize the surface from future mine collapse. The combined total area of disturbance for 2014 drilling and grouting projects is expected to be ten acres or less at all sites combined and surface disturbance will be minimal.

The AML Division also expects to conduct exploratory drilling and sinkhole-filling projects. The exploratory drilling project will be conducted to locate and characterize abandoned mine voids beneath Highway 36 and other county and township roads near Wilton and possibly other

sites (see map). Drilling will generally be conducted in road right-of-way and surface disturbance will be very minimal.

The sinkhole filling project will be conducted to fill dangerous sinkholes caused by sudden collapse of underground mined workings. Sinkhole-filling projects have been conducted annually for many years. These sinkholes will be filled with earthen materials taken from as near as possible to the sinkholes and surface disturbance is usually less than 10 acres per year. We do not know where these sinkholes will occur or which ones need to be filled because they are usually reported by landowners and the public as they occur. These sinkholes are often on areas where previous AML reclamation projects have been conducted.

As part of the project approval process, our office requests concurrence that the proposed reclamation work will not adversely affect any threatened, endangered or rare plant species. We would appreciate your review and concurrence for the work proposed at these sites. Please reply regarding these proposed projects by December 20, 2013.

Attached are maps showing general locations of the proposed reclamation projects. Thank you for your assistance in this matter. If you have any questions or need more information, please contact me at wdod.gov or 701.328.4101.

Sincerely,

William E. Dodd, Assistant Director

William E Dodo

Abandoned Mine Lands Division

Enclosure



COMMISSIONERS

Brian P. Kalk Randy Christmann Julie Fedorchak

Executive Secretary Darrell Nitschke 600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410
TDD: 800-366-6888 or 711

November 14, 2013

Susan Quinnell State Historical Society of North Dakota 612 East Boulevard Avenue Bismarck, ND 58505-0830

Dear Ms. Quinnell:

The Public Service Commission is planning reclamation activities in 2014 at the Hazen-West, Beulah/Zap and Scranton/Bowman Abandoned Mine Lands (AML) Sites. We also expect to conduct exploratory drilling and sinkhole filling projects in western North Dakota. These projects will be conducted by contractors selected through competitive bidding.

The 2014 Hazen-West Phase 3 Project is a continuation of a project series where previous phases were conducted in 2009 and 1991. It is located in the NE1/4 of the SE1/4 of Section 8, and the W1/2 of the SW1/4 of Section 9, T144N, R87W in Mercer County, North Dakota (see map). This abandoned surface coal mine contains a hazardous mine pit with steep highwalls. The plan of action is to backslope the hazardous highwalls. Total surface area to be affected at this project location will be approximately 35 acres. Areas affected by this project will be reseeded with locally adapted species native to western North Dakota. No pit dewatering is planned and all runoff from affected areas will flow into the mine pit.

The 2014 Beulah/Zap Phase 15 and 2014 Scranton/Bowman Phase 2 Projects are a continuation of previous reclamation work at locations that have already received concurrence from your office. Residential areas and roads at these project sites are underlain by abandoned underground mines. The plan of action is to drill holes into the underground mine and, if necessary, pump cementitious grout through drilled holes into abandoned underground mined workings to help stabilize the surface from future mine collapse. The combined total area of disturbance for 2014 drilling and grouting projects is expected to be ten acres or less at all sites combined and surface disturbance will be minimal.

The AML Division also expects to conduct exploratory drilling and sinkhole-filling projects. The exploratory drilling project will be conducted to locate and characterize abandoned mine voids beneath Highway 36 and other county and township roads near Wilton and possibly other sites (see map). Drilling will generally be conducted in road rights of way and surface disturbance will be very minimal.

The sinkhole filling project will be conducted to fill dangerous sinkholes caused by sudden collapse of underground mined workings. Sinkhole-filling projects have been conducted annually for many years. These sinkholes will be filled with earthen materials taken from as near as possible to the sinkholes and surface disturbance is usually less than 10 acres per year. We do not know where these sinkholes will occur or which ones need to be filled because they are usually reported by landowners and the public as they occur. These sinkholes are often on areas where previous AML reclamation projects have been conducted.

As part of the project approval process, our office requests concurrence that the proposed reclamation work will not adversely affect any historical or archaeological resources. We would appreciate your review and concurrence for the work proposed at these sites. Please reply regarding these proposed projects by December 20, 2013.

Attached are maps showing general locations of the proposed reclamation projects. Thank you for your assistance in this matter. If you have any questions or need more information, please contact me at wdodd@nd.gov or 701.328.4101.

Sincerely,

William E. Dodd, Assistant Director

William Esoka

Abandoned Mine Lands Division

Enclosure



COMMISSIONERS

Brian P. Kalk Randy Christmann Julie Fedorchak

Executive Secretary Darrell Nitschke 600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685
Fax: 701-328-2410

TDD: 800-366-6888 or 711

November 14, 2013

Mr. Jeff Towner, Field Supervisor U.S. Fish and Wildlife Service 3425 Miriam Avenue Bismarck, ND 58501-7926

Dear Mr. Towner:

The Public Service Commission is planning reclamation activities in 2014 at the Hazen-West, Beulah/Zap and Scranton/Bowman Abandoned Mine Lands (AML) Sites. We also expect to conduct exploratory drilling and sinkhole filling projects in western North Dakota. These projects will be conducted by contractors selected through competitive bidding.

The 2014 Hazen-West Phase 3 Project is a continuation of a project series where previous phases were conducted in 2009 and 1991. It is located in the NE1/4 of the SE1/4 of Section 8, and the W1/2 of the SW1/4 of Section 9, T144N, R87W in Mercer County, North Dakota (see map). This abandoned surface coal mine contains a hazardous mine pit with steep highwalls. The plan of action is to backslope the hazardous highwalls. Total surface area to be affected at this project location will be approximately 35 acres. Areas affected by this project will be reseeded with locally adapted species native to western North Dakota. No pit dewatering is planned and all runoff from affected areas will flow into the mine pit.

The 2014 Beulah/Zap Phase 15 and 2014 Scranton/Bowman Phase 2 Projects are a continuation of previous reclamation work at locations that have already received concurrence from your office. Residential areas and roads at these project sites are underlain by abandoned underground mines. The plan of action is to drill holes into the underground mine and, if necessary, pump cementitious grout through drilled holes into abandoned underground mined workings to help stabilize the surface from future mine collapse. The combined total area of disturbance for 2014 drilling and grouting projects is expected to be ten acres or less at all sites combined and surface disturbance will be minimal.

The AML Division also expects to conduct exploratory drilling and sinkhole-filling projects. The exploratory drilling project will be conducted to locate and characterize abandoned mine voids beneath Highway 36 and other county and township roads near Wilton and possibly other

sites (see map). Drilling will generally be conducted in road rights of way and surface disturbance will be very minimal.

The sinkhole filling project will be conducted to fill dangerous sinkholes caused by sudden collapse of underground mined workings. Sinkhole-filling projects have been conducted annually for many years. These sinkholes will be filled with earthen materials taken from as near as possible to the sinkholes and surface disturbance is usually less than 10 acres per year. We do not know where these sinkholes will occur or which ones need to be filled because they are usually reported by landowners and the public as they occur. These sinkholes are often on areas where previous AML reclamation projects have been conducted.

As part of the project approval process, our office requests concurrence that the proposed reclamation work will not adversely affect any threatened, endangered or rare animal species. We would appreciate your review and concurrence for the work proposed at these sites. Please reply regarding these proposed projects by December 20, 2013.

Attached are maps showing general locations of the proposed reclamation projects. Thank you for your assistance in this matter. If you have any questions or need more information, please contact me at wdodd@nd.gov or 701.328.4101.

Sincerely,

William E. Dodd,

William E Total

Assistant Director

Abandoned Mine Lands Division

Enclosure



COMMISSIONERS

Brian P. Kalk Randy Christmann Julie Fedorchak

Executive Secretary Darrell Nitschke 600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480
Web: www.psc.nd.gov
E-mail: ndpsc@nd.gov
Phone: 701-328-2400
ND Toll Free: 1-877-245-6685

Fax: 701-328-2410 TDD: 800-366-6888 or 711

November 14, 2013

Mr. Dennis Fewless, Director of Water Quality North Dakota Department of Health Gold Seal Center 918 East Divide Avenue Bismarck, ND 58501-1947

Dear Mr. Fewless:

The Public Service Commission is planning reclamation activities in 2014 at the Hazen-West, Beulah/Zap and Scranton/Bowman Abandoned Mine Lands (AML) Sites. We also expect to conduct exploratory drilling and sinkhole filling projects in western North Dakota. These projects will be conducted by contractors selected through competitive bidding.

The 2014 Hazen-West Phase 3 Project is a continuation of a project series where previous phases were conducted in 2009 and 1991. It is located in the NE1/4 of the SE1/4 of Section 8, and the W1/2 of the SW1/4 of Section 9, T144N, R87W in Mercer County, North Dakota (see map). This abandoned surface coal mine contains a hazardous mine pit with steep highwalls. The plan of action is to backslope the hazardous highwalls. Total surface area to be affected at this project location will be approximately 35 acres. Areas affected by this project will be reseeded with locally adapted species native to western North Dakota. No pit dewatering is planned and all runoff from affected areas will flow into the mine pit.

The 2014 Beulah/Zap Phase 15 and 2014 Scranton/Bowman Phase 2 Projects are a continuation of previous reclamation work at locations that have already received concurrence from your office. Residential areas and roads at these project sites are underlain by abandoned underground mines. The plan of action is to drill holes into the underground mine and, if necessary, pump cementitious grout through drilled holes into abandoned underground mined workings to help stabilize the surface from future mine collapse. The combined total area of disturbance for 2014 drilling and grouting projects is expected to be ten acres or less at all sites combined and surface disturbance will be minimal.

The AML Division also expects to conduct exploratory drilling and sinkhole-filling projects. The exploratory drilling project will be conducted to locate and characterize abandoned mine

voids beneath Highway 36 and other county and township roads near Wilton and possibly other sites (see map). Drilling will generally be conducted in road rights of way and surface disturbance will be very minimal.

The sinkhole filling project will be conducted to fill dangerous sinkholes caused by sudden collapse of underground mined workings. Sinkhole-filling projects have been conducted annually for many years. These sinkholes will be filled with earthen materials taken from as near as possible to the sinkholes and surface disturbance is usually less than 10 acres per year. We do not know where these sinkholes will occur or which ones need to be filled because they are usually reported by landowners and the public as they occur. These sinkholes are often on areas where previous AML reclamation projects have been conducted.

As part of the project approval process, our office requests concurrence that the proposed reclamation work will not adversely affect water or public health resources. We would appreciate your review and concurrence for the work proposed at these sites. Please reply regarding these proposed projects by December 20, 2013.

Attached are maps showing general locations of the proposed reclamation projects. Thank you for your assistance in this matter. If you have any questions or need more information, please contact me at wdodd@nd.gov or 701.328.4101.

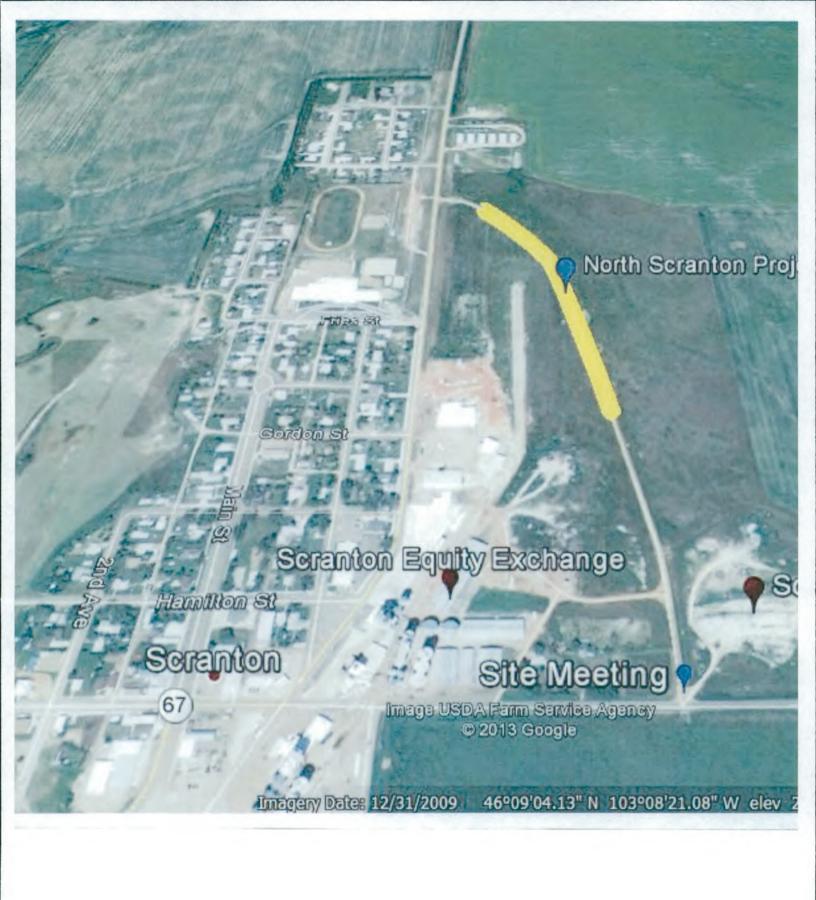
Sincerely,

William E. Dodd, Assistant Director

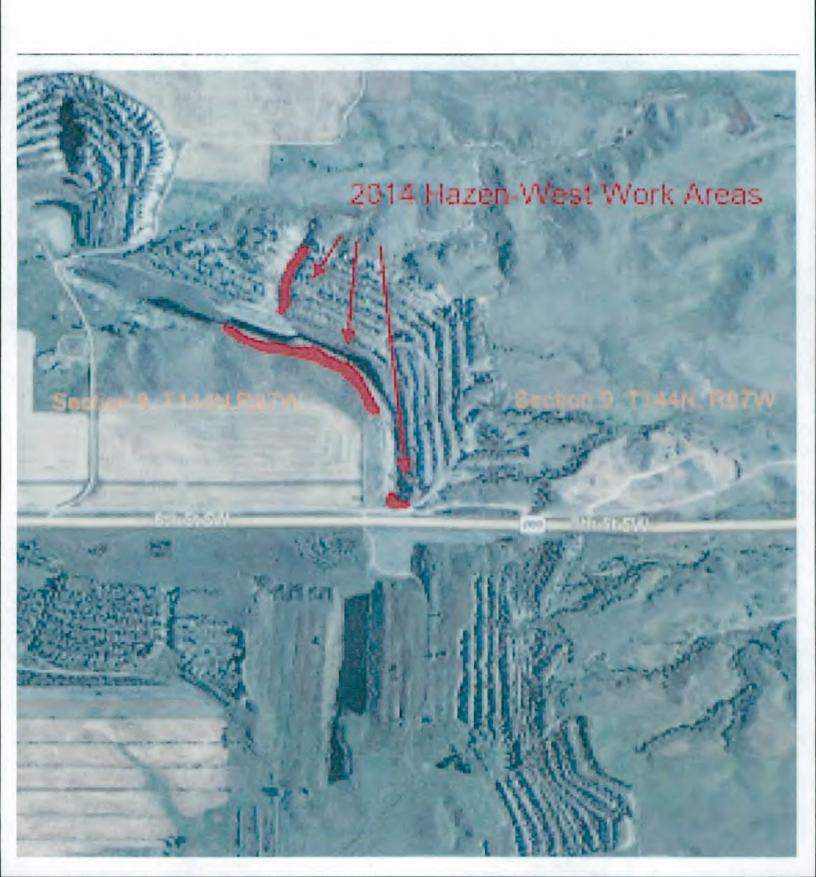
William E. Dong O

Abandoned Mine Lands Division

Enclosure







Scranton Equity Exchange Site Me 67 Randy Seifert Farmstead Sinkhole South Scranton Project Site Image USBA Farm Service Agency
2013 Google Imagery Date: 12/31/2009 46°08'36.75" N 103°08'37.77" W



146 th Avenue SW Bowman Project Site 81 st Street SW Image USDA Farm Service Agency © 2013 Google Imagery Date: 12/31/2009 46°14'59.00" N 103°24'44.28" W elev 3



Jack Dalrymple Governor of North Dakota

November 21, 2013

North Dakota State Historical Board

Assistant Director Public Service Commission 600 East Boulevard, Dept. 408

Calvin Grinnell New Town - President

A. Ruric Todd III Jamestown - Vice President

> Margaret Puetz Bismarck- Secretary

> > Albert I. Berger Grand Forks

Gereld Gerntholz Valley City

Diane K. Larson Bismarck

Chester E Nelson, Jr. Bismarck

Sara Otte Coleman Director Tourism Division

> Kelly Schmidt State Treasurer

Alvin A. laeger Secretary of State

Mark Zimmerman Director Parks and Recreation Department

Grant Levi Director Department of Transportation

> Merlan E. Paaverud, Jr. Director

Accredited by the American Alliance of Museums since 1986

Mr. William E. Dodd Abandoned Mine Lands Division Bismarck, ND 58505-0480



NDSHPO REF.: 14-0292 PSC Abandoned Mine Lands Division 2014 Hazen-West Phase # Project in portions of [T144N R87W Sections 8, 9] Mercer County and previously reviewed Beulah/Zap and Scranton/Bowman AML Sites in North Dakota

Dear Mr. Dodd,

We reviewed NDSHPO REF.: 14-0292 PSC Abandoned Mine Lands Division 2014 Hazen-West Phase # Project in portions of [T144N R87W Sections 8, 9] Mercer County and previously reviewed Beulah/Zap and Scranton/Bowman AML Sites in North Dakota, submitted in your November 14, 2013 letter. We concur with "No Historic Properties Affected" and "No Significant Sites" determinations for the projects as described and mapped in your November 14, 2013 letter.

Thank you for the opportunity to review these projects. If you have questions please contact Susan Quinnell at squinnell@nd.gov or (701) 328-3576.

Sincerely,

Merlan E. Paaverud, Ir.

State Historic Preservation Officer (North Dakota)

Director, State Historical Society of North Dakota



ENVIRONMENTAL HEALTH SECTION Gold Seal Center, 918 E. Divide Ave. Bismarck, ND 58501-1947

701.328.5200 (fax) www.ndhealth)gov

CONTROL E

JAN - 8 2013

NORTH DAKOTA
PUBLIC SERVICE COMMISSION

January 6, 2014

Mr. William Dodd Assistant Director Abandoned Mine Lands Division Public Service Commission 600 East Boulevard Avenue Bismarck, ND 58505

Re: Proposed Mine Reclamation Projects.

Mr. Dodd,

The North Dakota Department of Health (NDDH) has reviewed the proposed mine reclamation projects summarized in your November 14, 2013 letter. The reclamation areas where the injection of grout will occur have been mapped in relation to aquifers, wellhead protection areas, and existing wells (maps and site evaluation summaries are attached). Reclamation activities should be conducted in a manner that minimizes potential impacts to water supply wells located in the vicinity of the sites.

The Hazen-West project involves backfilling a hazardous mine pit with steep highwalls. No dewatering or runoff is anticipated. The affected area is estimated at 35 acres; therefore, a North Dakota Pollutant Discharge Elimination System (NDPDES) general construction permit is required for this project. The estimated affected areas of the remaining projects are less than 10 acres combined and spread out over a large area; consequently NDPES permits are not required for these projects.

Please do not hesitate to contact me at 701-328-5213 if you have any questions.

Sincerely,

Carl Anderson

Ground Water Protection Program Manager

NDDH - Division of Water Quality

and Anderson



Jack Dalrymple, Governor Mark A. Zimmerman, Director

1600 East Century Avenue, Suite 3
Bismarck, ND 58503-0649
Phone 701-328-5357
Fax 701-328-5363
E-mail parkrec@nd.gov
www.parkrec.nd.gov

January 2, 2014

Mr. William Dodd Public Service Commision 600 East Blvd. Dept 408 Bismarck, ND 58558

Re: Hazen-West, Beulah/Zap and Scranton/Bowman Abandoned Mine Lands Sites Dear Mr. Dodd,

The North Dakota Parks and Recreation Department (the Department) has reviewed the above referenced proposal for the reclamation activities in 2014 at the Hazen-West, Beulah/Zap and Scranton/Bowman Abandoned Mine Lands Sites.

Our agency scope of authority and expertise covers recreation and biological resources (in particular rare plants and ecological communities). The project as defined does not affect state park lands that we manage or Land and Water Conservation Fund recreation projects that we coordinate.

The North Dakota Natural Heritage biological conservation database has been reviewed to determine if any plant or animal species of concern or other significant ecological communities are known to occur within an approximate one-mile radius of the project area. Based on this review, there are no documented occurrences in our database within or adjacent to project area. Because this information is not based on a comprehensive inventory, there may be species of concern or otherwise significant ecological communities in the area that are not represented in the database. The lack of data for any project area cannot be construed to mean that no significant features are present. The absence of data may indicate that the project area has not been surveyed, rather than confirm that the area lacks natural heritage resources.

The Department recommends that the project be accomplished with minimal impacts and that all efforts be made to ensure that critical habitats not be disturbed in the project area to help secure rare species conservation in North Dakota. Regarding any reclamation efforts, we recommend that any impacted areas be revegetated with species native to the project area.

We appreciate your commitment to rare plant, animal and ecological community conservation, management and interagency cooperation to date. For additional information please contact me at (701-328-5370 or kgduttenhefner@nd.gov). Thank you for the opportunity to comment on this proposed project.

Sincerely,

Kathy Duttenhefner, Coordinator Natural Resources Division

R.USNDNH1*2014 001 KD1/2/2014DL1.2.2014

Play in our backyard!



Public Service Commission State of North Dakota

NOV 2 6 2013

PUBLIC SEAVED OF MISSION

600 East Boulevard, Dept. 408
Bismarck, North Dakota 58505-0480

Web: www.psc.nd.gov E-mail: ndpsc@nd.gov Phone: 701-328-2400

U.S. FISH AND WILDLIFE NEW 24 CASS ECOLOGICALD BRYSCESS of 711 ND FIELD OFFICE

Project as described will have no significant impact on fish and wildlife resources. No endangered or threatened species are known to occupy the project area and/or are not likely to be adversely affected. IF PROJECT DESIGN CHANGES ARE MADE, PLEASE SUBMIT PLANS FOR REVIEW.

Date Jeffrey K. Towner

Jeffr

Jeffrey K. Towner Field Supervisor

COMMISSIONERS Brinn P. Kalk Randy Christmann

Executive Secretary Darrell Nitschke

Julie Fedorchak

November 14, 2013

Mr. Jeff Towner, Field Supervisor U.S. Fish and Wildlife Service 3425 Miriam Avenue Bismarck, ND 58501-7926

Dear Mr. Towner:

The Public Service Commission is planning reclamation activities in 2014 at the Hazen-West, Beulah/Zap and Scranton/Bowman Abandoned Mine Lands (AML) Sites. We also expect to conduct exploratory drilling and sinkhole filling projects in western North Dakota. These projects will be conducted by contractors selected through competitive bidding.

The 2014 Hazen-West Phase 3 Project is a continuation of a project series where previous phases were conducted in 2009 and 1991. It is located in the NE1/4 of the SE1/4 of Section 8, and the W1/2 of the SW1/4 of Section 9, T144N, R87W in Mercer County, North Dakota (see map). This abandoned surface coal mine contains a hazardous mine pit with steep highwalls. The plan of action is to backslope the hazardous highwalls. Total surface area to be affected at this project location will be approximately 35 acres. Areas affected by this project will be reseeded with locally adapted species native to western North Dakota. No pit dewatering is planned and all runoff from affected areas will flow into the mine pit.

The 2014 Beulah/Zap Phase 15 and 2014 Scranton/Bowman Phase 2 Projects are a continuation of previous reclamation work at locations that have already received concurrence from your office. Residential areas and roads at these project sites are underlain by abandoned underground mines. The plan of action is to drill holes into the underground mine and, if necessary, pump cementitious grout through drilled holes into abandoned underground mined workings to help stabilize the surface from future mine collapse. The combined total area of disturbance for 2014 drilling and grouting projects is expected to be ten acres or less at all sites combined and surface disturbance will be minimal.

The AML Division also expects to conduct exploratory drilling and sinkhole-filling projects. The exploratory drilling project will be conducted to locate and characterize abandoned mine voids beneath Highway 36 and other county and township roads near Wilton and possibly other

sites (see map). Drilling will generally be conducted in road rights of way and surface disturbance will be very minimal.

The sinkhole filling project will be conducted to fill dangerous sinkholes caused by sudden collapse of underground mined workings. Sinkhole-filling projects have been conducted annually for many years. These sinkholes will be filled with earthen materials taken from as near as possible to the sinkholes and surface disturbance is usually less than 10 acres per year. We do not know where these sinkholes will occur or which ones need to be filled because they are usually reported by landowners and the public as they occur. These sinkholes are often on areas where previous AML reclamation projects have been conducted.

As part of the project approval process, our office requests concurrence that the proposed reclamation work will not adversely affect any threatened, endangered or rare animal species. We would appreciate your review and concurrence for the work proposed at these sites. Please reply regarding these proposed projects by December 20, 2013.

Attached are maps showing general locations of the proposed reclamation projects. Thank you for your assistance in this matter. If you have any questions or need more information, please contact me at wdodd@nd.gov or 701.328.4101.

Sincerely,

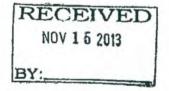
William E. Dodd,

William E. Total

Assistant Director

Abandoned Mine Lands Division

Enclosure





Public Service Commission State of North Dakota

COMMISSIONERS

Brian P. Kalk Randy Christmann Julie Fedorchak

Executive Secretary Darrell Nitschke 600 East Boulevard, Dept. 408 Bismarck, North Dakota 58505-0480 Web: www.psc.nd.gov E-mail: ndpsc@nd.gov

Phone: 701-328-2400 ND Toll Free: 1-877-245-6685 Fax: 701-328-2410

TDD: 800-366-6888 or 711

January 17, 2014

Jeffrey W. Fleischman, Director OSM Casper Field Office P.O. Box 11018 150 East "B" Street Casper, WY 82602-5004

RE: Eligibility Determination for 2014 2014 Hazen West Phase 3 AML Project in North Dakota.

Dear Mr. Fleischman:

This letter is submitted under 30 CFR 874.12 as the required eligibility determination for lands included in the proposed abandoned mine lands reclamation projects. Legal descriptions for these lands are included with the request for authorization to proceed and are summarized below:

2014 Hazen West Phase 3 Project: The N½ of the SE¼ of Section 8, T144N, R87W, and the W½ of the SW¼ of Section 9, T144N, R87W, in Mercer County.

Eligibility Determination - 30 CFR 874.12

The requirements of this section of the Abandoned Mine Reclamation Program set forth the following criteria for eligibility for reclamation activities (paraphrased):

- a. Was the real property subjected to coal mining and related processes?
- b. Did the coal mining processes on the real property occur prior to August 3, 1977, and was said real property left or abandoned in an unreclaimed or inadequately reclaimed condition? and,
- c. Is there continuing responsibility for reclamation by the operator, permittee, or agent of the permittee under the statutes of the State of North Dakota or the government of the United States?

Mr. Jeffrey Fleischman January 17, 2014 Page 2 of 2

Based upon available historical information, I find that the described real properties were mined for coal; that the coal mining activity occurred prior to August 3, 1977; and, that the property has been left in an abandoned and unreclaimed state. I further find that there is no continuing responsibility for reclamation by the operator, permittee or agent of the permittee under statutes of the State of North Dakota or the government of the United States.

Based on these findings, it is my opinion that the described real properties meet the eligibility requirements of 30 CFR 874.12 for abandoned mine reclamation.

Sincerely,

James R. Deutsch

Director

Reclamation and AML Divisions

Minedata/AML/2014/HazenWest/OSM_Eligibility_Determ_ltr_1-17-14





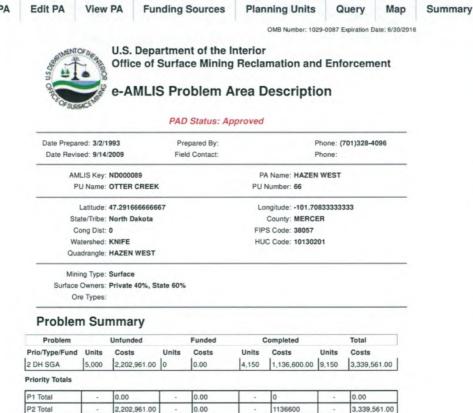
Add PA Home **PAD History Problems** 2 DH SGA **Problem Type:** P2 Dangerous Highwalls Pre-SMCRA Coal State/Tribe Program (P1, P2, P: **Alternative Funding Source:** GPRA Imperial Metric Units Units Cost Acres 5000 2202961 93 Unfunded 1524 0 0 0 0 Funded Completed 4149.9 1264.9 1136600 59.29 Total 9149.9 2788.9 3339561 152.29 Documents (0) Adjacency Comments Completion Data (1) Comments

P3 Total

PAD Total

0.00

2,202,961.00



0.00

0.00

0.00

1136600

3,339,561.00

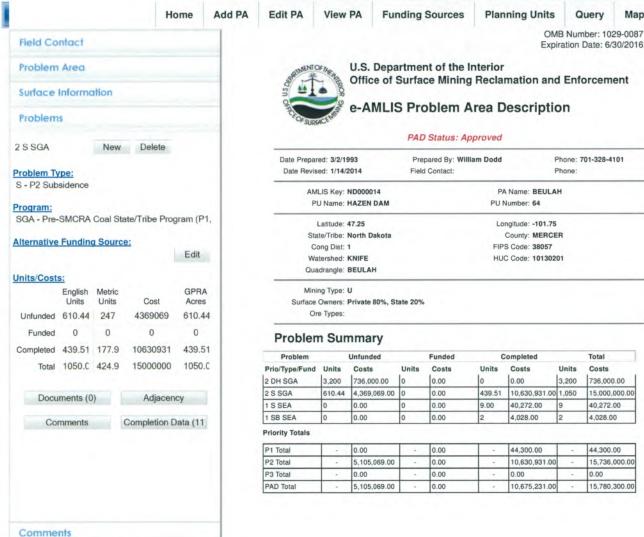








Мар







Query

Total

Costs

1.00

1.00

1.00

1.00

1.00

0.00

3,284.00

245,000.00

2,500,000.00 1,600,996.00

2,098,139.00

2,500,000.00

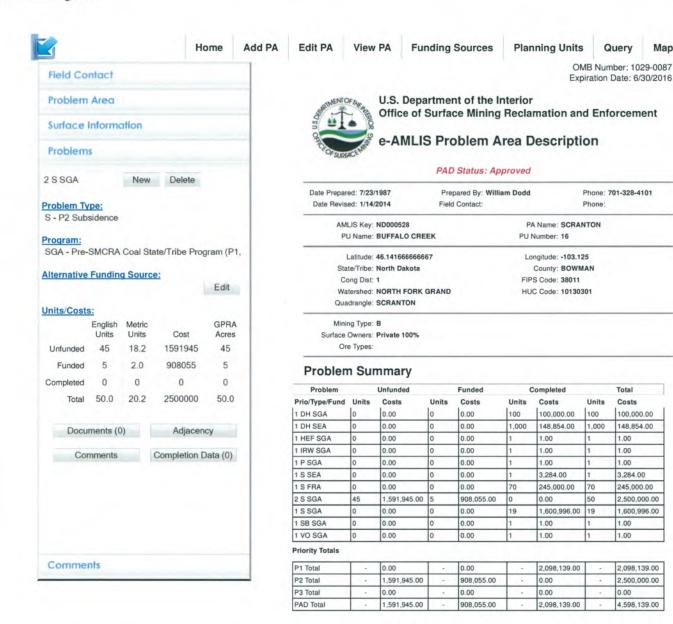
4,598,139.00

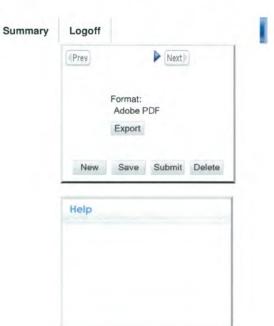
1,000

100,000.00

148,854.00

Map





Query

Total

Costs

0.00

0.00

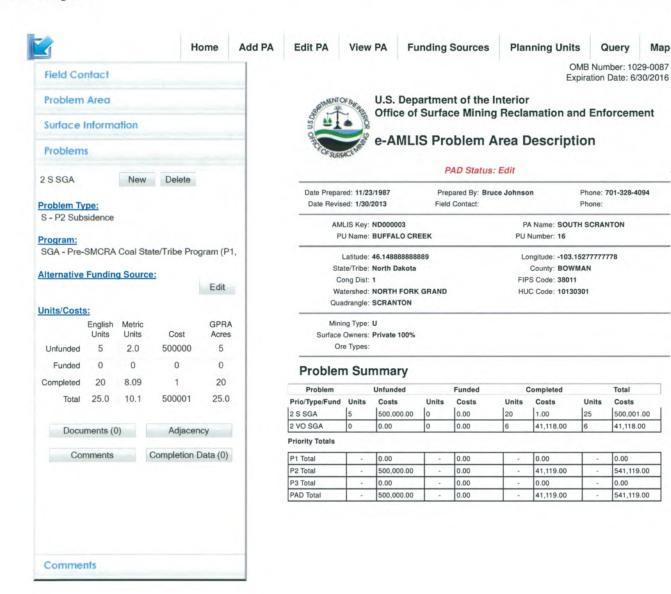
500,001.00

41,118.00

541,119.00

541,119.00

Мар



Logoff Summary Next) Prev Format: Adobe PDF Export Save Submit Delete Help

Map

Query

OMB Number: 1029-0087

Expiration Date: 6/30/2016

Phone: 701-328-4094

Total

Costs

0.00

0.00

1,026,293.00

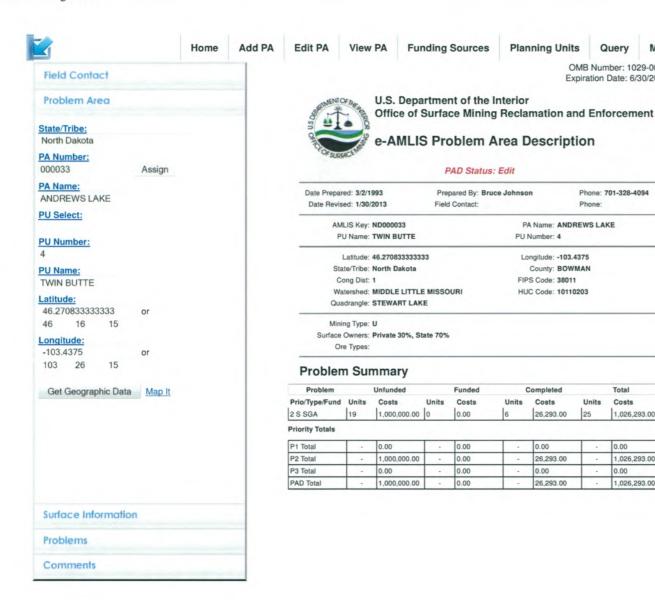
1,026,293.00

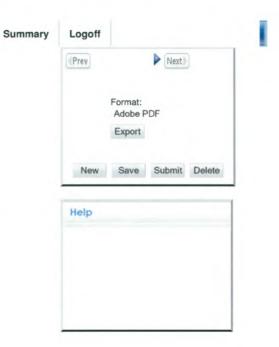
1,026,293.00

Units

25

Phone:





Summary

